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**In the United States Patent and Trademark Office**

Serial Number: 10/020,480

Appn. Filed: 2001 Dec. 18

Applicant: Warlick, Timothy David

Appn. Title: Non Slip Dive Mold and Ballast System

Examiner/Gau: M. Safavi

Mailed: 2005 Feb. 18

At: Bayside, Ca.

**Amendment Final office action**

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

Sir:

In response to Office Action Summary dated 1/19/2005, Interview Summary dated 1/31/2005 and telephone conversation of 2/10/2005.

Enclosed please find:

1. Letter in response to PTO actions. 2 pages.
2. Certificate of mailing. Final office action.
3. Post card.

Dear PTO:

This writing is in response to Office Action Summary dated 1/19/2005, Interview Summary dated 1/31/2005 and telephone conversation of 2/10/2005.

It appears that the applicant's NON SLIP DIVE BALLAST is not patent able because the applicant is unable to convey the intent, use, physical description and/or claims of the NON SLIP DIVE BALLAST and that the claims do not seem to agree with other parts of the application hence, New Matter. The applicant only knows of so many ways to describe a particular shape and volume of lead understandable to one not skilled in the art. Further, the applicant stands firm on the fact that the NON SLIP DIVE BALLAST is a quantum leap improvement over any prior art dive ballast. Dive ballast is the operative term. The improvement being "increased dive belt receiving aperture count" over prior art to increase the "ballast- to- belt friction" so that the ballast does not slip on a dive belt. The NON SLIP DIVE BALLAST being the item that the applicant seeks to patent. One skilled in the art does understand the difference between the NON SLIP DIVE BALLAST and prior art ballasts. One not skilled in the art probably will have difficulty understanding the difference and could easily confuse the NON SLIP DIVE BALLAST with non ballast subjects.

The applicant's understanding is that the PTO considers the NON SLIP DIVE BALLAST as similar to non ballast parts and non ballast categories. Most of the confusion is in comparing the NON SLIP DIVE BALLAST with a "belt" and a "belt stiffening plastic pad", each being referred to as a ballast. The examiners considerations of non ballast categories seems to override the ballast improvement that the applicant sets forth with the NON SLIP DIVE BALLAST and that the examiner considers the "major improvement of this dive ballast over all prior art ballasts" as a "Minor Modification". Also, that the years of study, engineering, research and development, and actual "proof in practice" that the applicant has put forth associated with the NON SLIP DIVE BALLAST is known to the PTO as "applicant conjecture".

The applicant has performed all of the effort of this application on his own and is not an attorney and would like to thank all of the Patent Trademark Office employees, associated with this application, for any considerations that may have been supplied on his behalf.

Sincerely

A handwritten signature in cursive script, appearing to read "Tim Warlick", written in black ink.



Serial number 10/020,480 (Tim Warlick) GAU Safavi Final Office Action

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence, which includes a Cover letter, a letter in response to PTO actions ( 2 pages), Certificate of Mailing and a Post Card is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

On 2005 Feb. 18

Tim Warlick

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